



**UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY  
REGION 8**

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FILED  
EPA REGION VIII  
HEARING CLERK

**In the Matter of:**

**Rindal Oil, Inc.  
P.O. Box 504  
Lewistown, MT 59457**

**Respondent.**

**CONSENT AGREEMENT**

**Docket No. CWA-08-2005-0021**

Complainant, United States Environmental Protection Agency, Region 8 ("EPA"), and Respondent, Rindal Oil, Inc., by their undersigned representatives, hereby consent and agree as follows:

1. On June 7, 2005, Complainant issued an Administrative Complaint and Notice of Opportunity for Hearing ("Complaint") alleging violations of the Clean Water Act ("CWA"), 33 U.S.C. § 1251 et seq., as amended by the Oil Pollution Act of 1990, at Respondent's bulk fuel storage facility ("Facility") in Lewistown, Montana. The Complaint proposed a penalty of \$32,500.00.

2. On June 27, 2005, Respondent provided information to EPA on the total oil storage capacity at the Facility that led to EPA to reduce the proposed penalty to \$6,825.00

3. On October 4, 2005, EPA filed a Motion for Default requesting that the Regional Presiding Officer issue a default order assessing against Respondent a penalty of \$6,825.00.

4. On January 4, 2006, the Regional Judicial Officer issued a Default Order/Initial Decision granting EPA's Motion for Default.

5. On January 23, 2006, Respondent paid \$500.00 to the order of the Treasurer, United States of America. Therefore, a civil penalty of \$6,325.00 remains to be paid.

6. Respondent admits the jurisdictional allegations of the Complaint and neither admits nor denies the remaining factual and legal allegations.

7. Respondent waives its right to a hearing before any tribunal, to contest any issue of law or fact set forth in the Complaint.

8. This Consent Agreement, upon incorporation into a final consent order, applies to and is binding upon EPA and upon Respondent and Respondent's successors and assigns. Any change in ownership or corporate status of Respondent including, but not limited to, any transfer of assets or real or personal property shall not alter Respondent's responsibilities under this agreement.

9. This Consent Agreement contains all terms of the settlement agreed to by the parties.

10. Respondent consents and agrees to pay the remaining civil penalty of \$6,325.00 according to the schedule set forth in paragraph 11, below, by remitting sending certified or cashier's checks, **payable to "Oil Spill Liability Trust Fund,"** with the docket number and Respondent's name written on the check, to:

Donna K. Inman (8ENF-T)  
Technical Enforcement Program  
U.S. EPA Region 8  
999 18th Street, Suite 300  
Denver, CO 80202-2466

The checks shall reference the name and address of Respondent and the EPA docket number of this action (CWA-08-2005-0021).

**Copies of the cashier's or certified checks** shall be sent simultaneously to:

Tina Artemis  
Regional Hearing Clerk (8RC)  
U. S. EPA, Region 8  
999 18th Street, Suite 300  
Denver, Colorado 80202-2466

and Wendy I. Silver (8ENF-L)  
Legal Enforcement Program  
U. S. EPA, Region 8  
999 18th Street, Suite 300  
Denver, CO 80202-2466

11. Complainant agrees that Respondent may pay the above penalty in eight consecutive monthly payments according to the following payment schedule:

<u>Payment Due Date</u>	<u>Payment Amount</u>
March 15, 2006	\$790.63
April 15, 2006	\$790.63
May 15, 2006	\$790.63
June 15, 2006	\$790.63
July 15, 2006	\$790.62
August 15, 2006	\$790.62
September 15, 2006	\$790.62
October 15, 2006	\$790.62

Respondent may pay any amount over the amounts listed above at any time prior to the dates set forth. If Respondent pays the entire amount of the penalty at any time prior to the above due dates, Respondent is relieved from the remainder of the applicable portion of the payment schedule.

12. Respondent further agrees and consents that if any of the payments described above are delinquent, then the entire unpaid penalty shall become due and owing. Furthermore, interest on the full unpaid penalty amount shall accrue at a rate established by the Secretary of the Treasury pursuant to 31 U.S.C. § 3717. In addition, a six percent (6%) per annum penalty shall be applied on any principal amount not paid within 90 days after such payment is due.

13. Nothing in this Consent Agreement shall relieve Respondent of the duty to comply with the CWA and its implementing regulations.

14. Failure by Respondent to comply with any of the terms of this Consent Agreement shall constitute a breach of the agreement and may result in referral of the matter to the Department of Justice for enforcement of this agreement and for such other relief as may be appropriate.

15. Nothing in this Consent Agreement shall be construed as a waiver by the EPA of its authority to seek costs or any appropriate penalty associated with any collection action instituted as a result of Respondent's failure to perform pursuant to the terms of this Agreement.

16. The undersigned representative of Respondent certifies that he/she is fully authorized to enter into the terms and conditions for this Consent Agreement and to bind the party he/she represents to the terms and conditions of this Consent Agreement.

17. The parties agree to submit this Consent Agreement to the Regional Judicial Officer, with a request that it be incorporated into a final consent order.

18. Each party shall bear its own costs and attorneys fees in connection with this matter.

19. This Consent Agreement, upon incorporation into a final consent order by the Regional Judicial Officer and full satisfaction by the parties, shall be a complete and full civil settlement of the specific violations alleged in the Complaint.

In the Matter of Rindal Oil, Inc.  
Docket No. CWA-08-2005-0021

UNITED STATES ENVIRONMENTAL  
PROTECTION AGENCY, REGION 8,  
Complainant.

Date: 2/21/06

By: Michael T. Risner  
Director  
David J. Janik  
Supervisory Enforcement Attorney  
Legal Enforcement Program  
Office of Enforcement, Compliance, and  
Environmental Justice

Date: 2/21/06

By: Elisabeth Evans  
Elisabeth Evans  
Director  
Technical Enforcement Program

Date: 2/21/06

By: Wendy I. Silver  
Wendy I. Silver  
Enforcement Attorney

RINDAL OIL, INC.  
Respondent.

Date: \_\_\_\_\_

By: Chris Rindal  
Title: Vice President

## CERTIFICATE OF SERVICE

The undersigned certifies that the original of the attached **ORDER GRANTING MOTION TO SET ASIDE DEFAULT ORDER AND CONSENT AGREEMENT/FINAL ORDER** in the matter of **RINDAL OIL, IN., DOCKET NO.: CWA-08-2005-0021** was filed with the Regional Hearing Clerk on March 1, 2006.


Further, the undersigned certifies that a true and correct copy of the documents were delivered to Wendy Silver, Enforcement Attorney, U. S. EPA – Region 8, 999 18<sup>th</sup> Street, Suite 300, Denver, CO 80202-2466. True and correct copies of the aforementioned documents were placed in the United States mail certified/return receipt requested on March 1, 2006, to:

Donald A. Rindal, Registered Agent for  
Rindal Oil, Inc.  
P. O. Box 504  
Lewistown, MT 59457

And hand carried to:

Carol A. LeBoo, Acting  
Regional Judicial Officer  
U. S. Environmental Protection Agency  
999 18<sup>th</sup> Street, Suite 300  
Denver, CO 80202-2466

March 1, 2006

  
Tina Artemis  
Regional Hearing Clerk



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